

I. Rejections under 35 U.S.C. § 102

Claims 1-13, 15, 18, 20-25, 27, 30, 31 and 33-39 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Catona (U.S. Patent No. 6,288,319). To be an “anticipation” rejection under 35 U.S.C. § 102, the reference must teach every element and limitation of the Applicant’s claims. Rejections under 35 U.S.C. § 102 are proper only when the claimed subject matter is identically disclosed or described in the prior art. Thus the reference must clearly and unequivocally disclose every element and limitation of the claimed invention.

Applicant submits that the Catona reference fails to teach or disclose every element and limitation of the claimed invention. Specifically, Catona fails to teach or disclose an MMS multimedia messaging server which records a karaoke performance as an MMS message. The Examiner relies on the User Tracks Database 20 of Catona to teach the claimed MMS multimedia messaging server. However, the User Tracks Database 20 is not an MMS multimedia messaging server and does not record the karaoke performance, but instead, the User Tracks Database 20 is simply a large memory which stores electronic greeting cards that have previously been recorded. *See Catona, col. 3:4-6*. In other words, the User Tracks Database 20 does not record, but instead it stores electronic greeting cards. *Id.*

Additionally, the User Tracks Database 20 does not record the karaoke performance as an MMS message. In fact, no device taught or disclosed in Catona records the karaoke performance as an MMS message. Catona teaches a computer network-based karaoke system. *Id. at col. 2:7-10*. In Catona, the user is required to have a personal computer in order to run a platform-independent programming language, such as JAVA. *Id. at col. 3:7-9*. The user’s computer then

controls the mixing of the pre-recorded song 30 and the custom audio track 40. *Id. at col. 10:12.* Said differently, the user's computer records the karaoke performance, not an independent MMS multimedia server as recited in the claims.

Catona does not teach or even suggest implementation of its system to a cellular telephone network as in the present invention for several reasons. First, Catona does not teach or suggest any architecture which could format audio and text into an MMS message. In other words, Catona does not teach how to mix or format the use's performance into an MMS message. Second, the system of Catona requires the user to have a computer. Due to the large amount of processing that is done in the mixer, the user is required to have ample processing capability. Such large processing capability is not generally found in cellular telephones, and therefore the system of Catona cannot be implemented by a cellular telephone. On the other hand, the claimed tele-karaoke system processes and records the karaoke performance using the MMS multimedia messaging server. As a result, the cellular tele-phone's relatively small processing capability does not hinder the recording process because, unlike Catona's system, the processing and recording are done in the MMS multimedia messaging server and not in the user's interface.

Even the embodiment shown in Figs. 4-6 of Catona, which uses a separate server to mix the pre-recorded song and the karaoke performance, does not record the karaoke performance using an MMS multimedia messaging server. As shown in Fig. 6 at step 146 of Catona, the user's computer records the user's karaoke performance. Once recorded, the user's computer sends the recorded performance to the mixer where the performance and the pre-recorded song

are subsequently mixed. This embodiment still requires the large processing and storage capability of the user's personal computer to be implemented because Catona does not teach the use of an MMS multimedia messaging server and because the user's interface does the actual recording of the karaoke performance.

In view of the above remarks, Applicant submits that Catona fails to teach each and every limitation of Applicant's claims. As a result, Applicant respectfully requests that the rejection of claims 1-13, 15, 18, 20-25, 27, 30, 31 and 33-39 under 35 U.S.C. § 102 be reconsidered and withdrawn.

II. Rejections under 35 U.S.C. § 103(a)

Claims 14, 16, 19, 20, 26, 28 and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Catona in view of Lewis (U.S. Patent No. 5,564,001). Since Lewis does not cure the deficient teachings of Catona as discussed above, Applicant submits that claims 14, 16, 19, 20, 26, 28 and 29 are patentable for at least the reasons discussed above. Therefore, Applicant respectfully requests that the rejection of claims 14, 16, 19, 20, 26, 28 and 29 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

Claims 17, 32 and 40-42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Catona. Similarly, for at least all of the reasons discussed above, Applicant submits that claims 17, 32 and 40-42 are patentable. Therefore, Applicant respectfully requests that the rejection of claims 17, 32 and 40-42 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

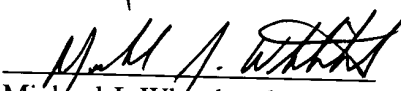
RESPONSE UNDER 37 C.F.R. § 1.111
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In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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